

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

ANTHONY DOMENIC REO,

Plaintiff,

v.

QUAKE ENERGY,

Defendant.

)
) CASE NO.
)
) JUDGE
)
)
)
)
)
)
)
)
)

NOTICE OF REMOVAL TO FEDERAL COURT

Pursuant to 28 U.S.C. § 1446, Defendant Quake Energy LLC (Energy 95 LLC), improperly identified as “Quake Energy” (referred to herein as “Defendant” or “Quake”), without waiving any defenses, including specifically defenses and objections to venue, personal jurisdiction, and service, hereby files its Notice of Removal of this action from the Painesville Municipal Court to the United States District Court for the Northern District of Ohio. In support of this Notice of Removal, Quake states as follows:

1. On August 22, 2019, Plaintiff Anthony Domenic Reo (“Plaintiff”) filed a Complaint in the Painesville Municipal Court, Lake County, Ohio captioned *Anthony Domenic Reo v. Quake Energy*, Case No. CVF1801553.

2. On August 27, 2018, a copy of the Complaint was served on Quake. This Notice of Removal is being filed within 30 days of Quake receipt through service of Plaintiff’s

Complaint, and therefore, under 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely and proper.

3. Pursuant to 28 U.S.C. § 1446(a), true and legible copies of all process, pleadings, orders, and other papers or exhibits of every kind on file in the state court and known to have been served on Quake are attached hereto as Exhibit A. Defendant is not aware of, and has not been served with, any other filings or pleadings.

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, because this action arises under the Constitution, laws, or treatises of the United States. Specifically, this action arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227. (*See* Complaint, attached.)

5. Defendant will promptly file the Notice of Filing Notice of Removal attached hereto as Exhibit B,¹ with a copy of this Notice of Removal, in the Office of the Clerk of the Court of the Painesville Municipal Court, Lake County, Ohio. Defendant will also promptly provide a written copy of this Notice of Removal to Plaintiff.

6. Defendant has complied with all conditions precedent to the removal of this action.

WHEREFORE, Defendant Quake Energy respectfully gives notice that the above-described civil action pending in the Painesville Municipal Court, Lake County, Ohio is removed therefrom to this Court.

¹ The exhibit to the Notice of Filing Notice of Removal, which contains all of the same documents attached hereto as Exhibit A, has been omitted from this Exhibit B.

Dated: September 26, 2018

Respectfully submitted,

/s/ Matthew B. Barbara

Matthew B. Barbara (0093978)

mbarbara@taftlaw.com

TAFT STETTINIUS & HOLLISTER LLP

200 Public Square, Suite 3500

Cleveland, OH 44114-2302

(216) 241-2838 (telephone)

(216) 241-3707 (facsimile)

Attorneys for Defendant Quake Energy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 26, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served a true and correct copy of the foregoing via electronic mail and regular U.S. Mail on the following:

Bryan Anthony Reo
P.O. Box 5100
Mentor, Ohio 44061
Reo@ReoLaw.org

Attorney for Plaintiff

/s/ Matthew B. Barbara

Matthew B. Barbara (0093978)